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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,329	12/04/2000	Varghese John	00228-US-NEW3	8197

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EXAMINER

KAM, CHIH MIN

ART UNIT	PAPER NUMBER
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1656

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/730,329

Applicant(s)

JOHN ET AL.

Examiner

Chih-Min Kam

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20060821</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on August 28, 2006 under 37 CFR 1.114 is acknowledged. An action on the RCE follows.

Status of the Claims

2. Claims 6-10 and 22 are pending.

Applicant's amendments filed August 28 and September 21, 2006 are acknowledged, and applicants' response has been fully considered. Claim 22 has been amended. Therefore, claims 6-10 and 22 are examined.

Substitute Specification

3. A clean copy of a substitute specification has been filed on August 28, 2006. Applicants have requested waiver of the requirement of 37 CFR 1.125(c) requiring that a substitute specification be submitted with markings showing all changes relative to the immediate prior version of the specification of record on August 28, 2006, and the petition has been granted on January 16, 2007. Therefore, the substitute specification is entered.

New Informalities

4. The disclosure is objected to because of the following informalities:

A set of drawings (Figs. 1-21) filed on September 21, 2006 is acknowledged, where the description of drawings should be consistent with the number of figures in the specification, e.g., if there are Figs. 5A, 5B, 5C, 5D and 5E, then the description of drawings should also indicate Figures 5A-5E, however, the specification only indicates Fig. 5. See also Figs. 10A-10D and Figs. 13A-13W. Appropriate correction is required.

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Sequence Listing

5. A paper copy of Sequence Listing filed August 28, 2006 is acknowledged, and the computer readable form (CRF) has been entered. It appears that Fig. 10A-10D contains several amino acid sequences and some of them do not have sequence identifiers, Applicants must comply with the requirements of the sequence rules (37 CFR 1.821-1.825) and provide a copy of sequence listing and CRF containing all the sequences. Table 9 (at page 83) contains many peptides, however, the sequence identifiers "SEQ ID NO:" are not listed for these peptides. Appropriate correction is required.

Withdrawn Informalities

6. The previous objection to the specification is withdrawn in view of applicant's submission of a substitute specification, and applicants' response at pages 9-10 in the amendment filed August 28, 2006.

Withdrawn Objection to New Matter Added to Specification

7. The previous objection to the specification regarding new matters is withdrawn in view of applicant's submission of a substitute specification, and applicants' response at pages 9-10 in the amendment filed August 28, 2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 22 is indefinite since the claim does not have a period "." at the end of the sentence.

Regarding the phenyl group, claim 22 has been amended to recite the phenyl group of phenylstatine, thus the rejection is withdrawn.

Conclusion

9. Claim 22 is rejected; and claims 6-10 are free of art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Bragdon can be reached at 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Min Kam, Ph. D.
Primary Patent Examiner



CHIH-MIN KAM
PRIMARY EXAMINER

CMK

January 22, 2007